

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-cv-20599
Hon. Matthew F. Leitman

JOHN ANGELO, *et al.*,

Defendants.

**ORDER DIRECTING PARTIES TO APPEAR FOR ENRIGHT HEARING
CONCERNING PROPOSED EXHIBITS IDENTIFIED IN THE
GOVERNMENT’S WRITTEN PROFFER REGARDING STATEMENTS
ADMISSIBLE AS CO-CONSPIRATOR HEARSAY UNDER FED. R. EVID.
801(d)(2)(E) (ECF No. 334)**

On January 1, 2023, Defendants filed a Joint Motion for an Enright Hearing and Disclosure of 801(d)(2)(E) Evidence. (*See* Mot., ECF No. 260.) On February 27, 2023, the Court entered an order granting that motion in part and denying it in part. (*See* Order, ECF No. 313.) In that order, the Court ordered the Government to provide a written proffer (1) identifying every statement the Government is seeking to admit under the co-conspirator exception to the prohibition against hearsay and (2) summarizing the evidence that supports the Government’s contention that the statements are admissible under Fed. R. Evid. 801(d)(2)(E). (*See id.*, PageID.5400.) Pursuant to the Court’s order, the Government then submitted a sealed Written Proffer Identifying Statements Admissible as Co-Conspirator Hearsay under Fed. R.

Evid. 801(d)(2)(E). (*See* Proffer, ECF No. 334.) On May 30, 2023, Defendant Cory Mann filed a Response to the Government's proffer. (*See* Mann Resp., ECF No. 357.) In his response, Mann again suggested that the Court should hold an Enright hearing to assess the admissibility of the Government's proposed exhibits under Fed. R. Evid. 801(d)(2)(E). (*See id.*, PageID.6402.) Defendants John Angelo, Brent Sitto, Michael Daneshvar, Glenn Franklin, and Thomas Quartz filed a joint Response to the Government's Proffer on June 1, 2023, in which they too requested that the Court conduct an Enright hearing. (*See* Joint Resp., ECF No. 361.) Finally, Defendant Rachel Locricchio filed a Response to the Government's Proffer on June 12, 2023, in which she joined the other Defendants' requests for an Enright hearing. (*See* Locrichio Resp., ECF No. 369.)

On June 12, 2023, the Court held a hearing on the Government's written proffer and Defendants' repeated requests for an Enright hearing. For the reasons explained on the record during that hearing, the Court has determined that it will convene an Enright hearing to assess the admissibility of the statements identified in the Government's Written Proffer Regarding Statements Admissible as Co-Conspirator Hearsay under Fed. R. Evid. 801(d)(2)(E) (ECF No. 334).

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 16, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 16, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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